IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of :	)	
	)	Confirmation No. 8892
Jeffrey L. HIRKA et al.	)	
	)	Group Art Unit: 3628
Serial No.: 09/655,886	)	
	)	Examiner: CHENCINSKI, Siegfried E.
Filed: September 6, 2000	)	
	)	
Docket No.: 47004.000084	)	

For: SYSTEM AND METHOD FOR LINKED ACCOUNT HAVING SWEEP FEATURE

Mail Stop ***Appeal Brief - Patents***
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

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Sir:

In accordance with 37 C.F.R. § 41.41(a)(1), Appellants hereby file this Reply Brief ("Reply Brief") in response to the Examiner's Answer filed on June 19, 2006. The requisite fee in accordance with 37 C.F.R. § 41.20(b)(2) is enclosed. It is respectfully submitted that this Reply Brief is timely within two months of the Examiner's Answer. Appellants believe that no additional fees are deemed necessary, however if there are any deficiencies, please charge the undersigned's Deposit Account No. 50-0206.

It is respectfully submitted that (1) the Examiner is relying on an erroneous legal standard in his obviousness rejection and (2) the Examiner has failed to establish a *prima facie* case of obviousness. Therefore, Appellants respectfully request that the Board of Patent Appeals and Interferences reconsider and withdraw the rejection of record, and allow the pending claims.

I. SUMMARY OF ARGUMENTS IN VIEW OF EXAMINER'S ANSWER

The Examiner's Answer has been received and carefully considered. The Examiner is maintaining his rejection of all the pending claims (Claims 1-51) under 35 U.S.C. § 103(a) based on U.S. Patent No. 5,644,727 to Atkins (hereinafter "Atkins") and U.S. Patent No. 6,266,623 to Schein et al. (hereinafter "Schein"). In addition, the Examiner has provided both general and detailed responses to Appellants' arguments presented in the Appeal Brief.

These responses reveal that the Examiner has relied on an erroneous legal standard in maintaining the obviousness rejections. As a result of misinterpreting recent case law and misapplying the legal standard, the Examiner has failed to establish a *prima facie* case of obviousness.

II. THE EXAMINER RELIES ON AN ERRONEOUS LEGAL STANDARD

In the General Response section, the Examiner accuses Appellants of arguing against an obviousness rejection based on "an erroneous anticipation standard." Examiner's Answer at 13. In the Detailed Response section, the Examiner further asserts that "Appellant quoted short selections from several court opinions which are convenient to his argument." Examiner's Answer at 16. In addition, the Examiner cites recent case law, especially the decision of In re Kahn, 441 F.3d 977 (Fed. Cir. 2006), to show that Appellants' focus on detailed claim limitations is unjustified in the context of an obviousness rejection. See, Examiner's Answer at 20-21.

In view of the Examiner's charges and his questionable reliance on recent case law, Appellants find it necessary to clarify the appropriate legal standard for making an obviousness rejection.

A. Anticipation versus Obviousness

Appellants have not confused the legal standards between an anticipation rejection under 35 U.S.C. § 102 and an obviousness rejection under 35 U.S.C. § 103.

For an anticipation rejection, all the elements in the rejected claim must be found in a single prior art reference. Since all the elements are found in the same reference, there is no need for the Examiner to show any motivation or suggestion to combine these elements. As stated in MPEP § 2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

In contrast, an obviousness rejection, such as the one disputed here, relies on multiple references to disclose all the elements in the rejected claim. The fact that the claim elements come from multiple references necessitates a showing of why a person of ordinary skill in the art might be led to combine the teachings or suggestions of those references to render the claimed invention. As stated in MPEP § 2143.03, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Also, as stated in MPEP § 2143.01, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In addition, the mere fact that references are capable of being combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

It is worth pointing out that, notwithstanding the different requirements as to how many prior art references are cited, both type of rejections require that all the claim limitations must indeed have been taught or suggested by the cited reference(s). This is confirmed in MPEP § 2143, which lists three basic criteria for a *prima facie* case of obviousness:

> "First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations."

Note that the first criterion (i.e., motivation to combine) is separate and distinct from the third criterion (i.e., disclosure of all the claim limitations in the prior art references). Logically, the third criterion must be met before the Examiner considers the first criterion. That is, at the threshold, the prior art references or their combination must actually teach or suggest each and every element recited in the rejected claim. Only upon producing evidence that all the claim elements are shown, does the Examiner reach the issue of whether there is motivation to justify the proffered combination. The point here is that the test for whether all the claim elements are shown cannot be merged with or subsumed into the test for the motivation to combine so as to vitiate or lower the standard for either requirement.

With respect to the requirement that the prior art references actually disclose all the rejected claim limitations, the inquiry in an obviousness rejection parallels the inquiry in an anticipation rejection. Moreover, both types of rejection require that "all words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 165 USPQ 494, 496 (CCPA 1970). See also, In re Lowry, 32 F.3d 1579, 1582 and 1584 (Fed. Cir. 1994)("The Patent and Trademark Office (PTO) must consider all claim limitations when determining patentability of an invention over the prior art ... The Board is not

at liberty to ignore such [claim] limitations."). And, for each and every element in the rejected claim, the Examiner must specifically identify which portions of the cited references teach or suggest the limitations of that element.

Incredibly, however, the Examiner appears to believe that, in terms of demonstrating the disclosure of all the claim elements in the cited references, a somewhat relaxed standard applies to obviousness rejections as compared to anticipation rejections. Accordingly, the Examiner has shown very little interest in Appellants' discussion of specific limitations recited in the pending claims and the lack of disclosure in the references. In fact, the Examiner boldly states that such "a parsing of words" (Examiner's Answer at 13) or "narrow parsing of detailed functionality" "is inappropriate and unnecessary in a case of obviousness combination" (Examiner's Answer at 20). In his response to Appellants' argument that "the Examiner fails to point out exactly which 'variety of options' (in Atkins) covers the use a credit account to back up a cash account as presently claimed," the Examiner asserts that "this argument seems to have questionable relevancy in an obviousness scenario." Examiner's Answer at 20.

Respectfully, the Examiner is flat wrong. The case law is crystal clear that each element of claimed invention must be found in prior art references. In other words, there is no relaxed standard as the Examiner has invented here. Therefore, the Examiner is not free to ignore any limitation recited in the pending claims. Prior to any argument for combining or modifying the cited references, and instead of some general remarks regarding the disclosure of Atkins and/or Schein, the Examiner is obligated to demonstrate that specific portions of the cited references do teach or suggest each and every element as recited in the pending claims. This same demonstration would have been required, and on the same standard, if Atkins and Schein were

treated as a single reference and the Examiner were making an anticipation rejection based on the single reference.

B. In re Kahn

The Examiner mistakenly interprets the In re Kahn decision of this year as having reversed decades of established law on obviousness. This is simply not the case. In fact, the Examiner repeatedly cites the following passage from the In re Kahn decision:

> A suggestion, teaching, or motivation to combine the relevant prior art teachings does not have to be found explicitly in the prior art, "as the teaching, motivation, or suggestion may be implicit from the prior art as a whole, rather than expressly stated in the references ... The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." *In re Kotzab,* 217 F.3d 1365, 1370 (Fed. Cir. 2000)

In re Kahn, 441 F.3d at 987-988 (underlining provided).

While, the above-quoted passage is merely a statement of established law, the Examiner cited and applied this recent Federal Circuit decision as if it signaled some substantive change in the legal standard of obviousness rejections. Appellants believe that the In re Kahn decision did nothing more than restating the existing law as discussed above.[1]

The Examiner may have misunderstood as to what "does not have to be found explicitly in the prior art." It is the "suggestion, teaching, or motivation to combine the relevant prior art teachings" (i.e., the finding of motivation to combine), not "the relevant prior art teachings" themselves (i.e., the finding of claim elements), that "may be implicit from the prior art as a whole, rather than expressly stated in the references." In addition, the phrase "an implicit showing" in the next sentence also refers to an implicit showing of the motivation to combine.

[1] Appellants are aware of no treatise or commentary that considers In re Kahn to be a landmark decision changing the establish law on obviousness.

In other words, the quoted passage from In re Kahn is only relevant to the inquiry of whether there exists a motivation to combine. However, before the Examiner even reaches the issue of motivation to combine, he still must show that prior art disclosure of the claim elements are available (to be combined) in the first place. For that threshold showing, the Examiner cannot rely on In re Kahn as authorizing him to make general remarks about the cited references "as a whole." The Examiner still has to consider all the words in a claim and identify specific portions of the cited references that actually teach or suggest all the elements as claimed.

Appellants respectfully submit that the Examiner has failed to adhere to the proper legal standard in making or maintaining the obviousness rejection. Such an error of law will become clear in the following discussion.

III. DEFICIENCIES IN THE OBVIOUSNESS REJECTION

Even beyond his misapplication of the legal standard, the Examiner's *prima facie* case of obviousness is fraught with problems. The Examiner has failed to make a threshold showing that Atkins, Schein or their combination actually teach or suggest all the limitations as recited in the rejected claims. Nor has the Examiner provided a plausible motivation for combining or modifying the cited references. As a result, the Examiner has not met the three basic criteria for a *prima facie* case of obviousness as set forth in MPEP § 2143.

Two lines of reasoning may be discerned from the Examiner's Answer, neither of which lives up to the legal standard for a proper obviousness rejection.

In one line of reasoning, by starting from the cited references and working his way towards the claimed invention, the Examiner picks bits and pieces from the references without regard to their context, makes up for any missing element with general remarks about the overall

nature of the prior art, and then mechanically glues this incomplete set of prior disclosures with some dubious or irrelevant motivation. See, Examiner's Answer at pages 3-13.

In another line of reasoning, by starting from the claimed invention and working his way backwards toward the prior art references, the Examiner trims the claimed invention by ignoring claim limitations and retrofits it with prior art disclosures. By taking the claim language apart and out of context, the Examiner managed to distill the claimed invention down to something more easily rejected for obviousness. See, Examiner's Answer at pages 13-28.

Both lines of reasoning will be analyzed in more detail below.

A. Cherry-picking Supplemented with General Remarks Is No Substitute for A Proof of Actual Disclosure of All the Claim Limitations in the References.

With respect, Appellants believe that the Examiner is both unwilling and unable to demonstrate that all the elements in the rejected claims are actually disclosed in the cited references. Rather than squarely identifying prior art disclosures that are relevant to the overall scheme as recited in the claims, the Examiner simply picks bits and pieces from Atkins and Schein to match the technological or financial terms in the claim language while disregarding the respective contexts of those terms in the references or in the pending claims. Rather than treating the claimed invention "as a whole," the Examiner takes Appellants' claims apart into discrete words and phrases in order to facilitate textual matching of terms from the cited references.

Take the rejection of claims 1 and 24 as an example. The Examiner considers the invention recited therein as nothing more than a mechanical assembly of the following discrete words or phrases: *interface*, *sweep*, *automated transactions*, *linked accounts*, *credit facilities*, *server*, *authorization functions*, and *predetermined limits*. None of these terms, by itself, is difficult to locate with a keyword search, especially when such a voluminous patent as Atkins is

on hand. Indeed, the Examiner found instances of these terms in Atkins and/or Schein. For the convenience of the Board, and to better illustrate the deficiency in the obviousness rejection, the passages that the Examiner relies on for each of these terms (in claim 1) are reproduced in Appendix A and highlighted with underlining. These citations may be verified in Examiner's Answer at pages 4-6.

Reading through the Examiner's citation and comparing the quoted passages with the language in claim 1, the distinction and disconnect are quite apparent. The passages quoted from Atkins and Schein clearly do not disclose all the limitations recited in claim 1. For example, there is no teaching or suggestion of a credit account being used to back a cash account. Nor is there any disclosure that the use of a linked account instrument might trigger sweeps of a cash account in search of funds to cover the charges.

The Examiner seems to realize these deficiencies as he repeats general remarks about Atkins to make up for the missing elements in the cited references. For example, the Examiner asserts that "Atkins' basic system and method teaches at its core the principle of automated credit backup of cash transaction accounts." Examiner's Answer at 4. In addition, the Examiner lists "a wide variety of options" taught by Atkins (Id.):

> "System for the operation and management of one or more financial accounts through the use of a digital communication and computation system for exchange, investment and borrowing" Title.
>
> "The prioritization function also provides financial institutions an easily definable means of managing individual accounts that have in a way that minimizes the detrimental aspects of enforcing compliance while satisfying the financial institution's credit-related objectives." Col. 7, ll. 48-50.
>
> "From the financial institution's perspective, in addition to the benefits derived from more effectively managing the marketing of a panoply of financial products, the HOME Account™ mortgage used in the system of the present invention is superior to the other

> forms of financial service products in that: (1) …; (2) it establishes an account that will assist in the cross selling and marketing of other financial service products that will produce additional fee revenue for the financial institution; (3) …; (4) …; (5) it will allow the financial institution the ability to more closely monitor its own and its customers' risk exposures and to take appropriate corrective action; (6) it will allow better pricing margins for the institution because the institution will not be constrained to offering a commodity-like product; …" Col. 11, ll. 3-5, 10-13, 18-23.
>
> "Through the system described and its combined computer and communication terminals, client/customers may purchase goods and services, save, invest, track bonuses and rebates and effect enhanced personal financial analysis, planning, management and record keeping with less effort and increased convenience." Abstract, ll. 4-10.

The Examiner goes on to assert, without any citation, that:

> "Atkins' rule options permit a customer user to choose <u>any of or a combination of schemes for holding funds</u> in one or more cash accounts, and/or for always having a zero balance in a cash account so that transactions drawn on such a cash account would always be funded by a designated credit instrument such as a points earning card, a home equity line of credit, and so forth. Interaction between the financial institution's policies and the customer user's preferences would have been obvious to an ordinary practitioner of the art."

Examiner's Answer at 4 (emphasis added). The Examiner appears to believe that, because Atkins' system can be flexibly configured to manage multiple accounts, Atkins must have contemplated or disclosed the specific account linkage structure as presently claimed. Thus, the Examiner finds it unnecessary to struggle with the specifics since <u>In re Kahn</u> has (allegedly) authorized him to treat the cited reference "as a whole."

When pressed with this issue in the Appeal Brief, the Examiner replies by first alleging that the argument, i.e., "the Examiner fails to point out exactly which 'variety of options' (in Atkins) covers the use a credit account to back up a cash account as presently claimed," has "questionable relevancy in a obviousness scenario." Examiner's Answer at 20. Then, the

Examiner launches into the same kind of hand-waving remarks about Atkins' "user driven set of choices for linking accounts," "the wide variety of accounts," "sweeping of accounts … in whatever manner the user may desire," and "additional options for linked accounts." See, Examiner's Answer at 20-21. The accompanying citations are to the same effect. The gist of the Examiner's argument is that the general nature of Atkins' multi-account management has preempted any type of account-linking structure. In other words, simply because the Atkins patent mentions a "wide variety of accounts" as well as disclosed or undisclosed linkage options, any type of linkage between any two accounts will be *per se* "obvious."

In short, the Examiner still has not been able to point out where exactly the cited references teach or suggest linking a credit account and a cash account in the way as presently claimed.

B. Failure or Refusal to Consider the Claimed Invention "As a Whole" Results in Impermissible Distilling.

As stated in MPEP § 2141.02, in determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. While the Examiner finds it convenient to treat the prior art references "as a whole" to make up for missing elements in the references, he has been quite reluctant to treat the claimed invention "as a whole."

The Examiner fails to or refuses to consider the claimed invention in terms of a complete, overall scheme that involves, as a basic model, a cash account, a credit account, and a linked account instrument, as well as interrelated operations among these accounts and the linked account instrument. Physically, "a linked account instrument" might be simply a plastic card. Yet, it is its relationship with the cash account and the credit account that makes the linked

account instrument uniquely different from either a conventional debit card or a conventional credit card. The individual transactions with the linked account instrument are authorized like credit card charges, which charges in turn triggers interactions between the credit card and the cash account. For example, if a daily sweep of the cash account finds sufficient funds to satisfy the charges incurred through the linked account instrument, then, from the cardholder's perspective, the instrument may have operated similar to a debit card. On the other hand, the "predetermined cumulative limit," as well as the fact that the charges can remain on the credit account if the cash account has insufficient funds, makes the linked account instrument appear also like a credit card.

The Examiner, however, sees the claimed invention differently. Starting with the claimed invention and working backwards, the Examiner manages to trim Appellants' invention down in just a couple of ingenious (yet erroneous) steps and morph it into something more recognizable in the prior art.

First, the Examiner alleges that Appellants' linked account instrument is not a card but a linked account "facility" or "linkage facility." Examiner's Answer at 14-15. In so alleging, the Examiner conveniently omits the linked account instrument out of the picture. What is left then are simply two financial accounts, a cash account and a credit account.

Even after reducing the invention to two linked accounts, the Examiner still has trouble finding support for such a two-account structure as presently claimed. The Examiner found plenty of explicit references to linked accounts in Schein, as well as implicit disclosure of multiple-account management in Atkins. However, there is no teaching or suggestion of the specific relationship between a cash account and a credit account as recited in claims 1 and 24.

Undeterred, the Examiner goes on to assert that "there is no practical difference between

the use of the two related facilities of a line of credit and a credit account." Examiner's Answer at 20. Thus, in the blink of an eye, the Examiner has dropped the credit account out of the picture and substituted it with a line of credit. Now, we are left with merely a cash account having a line of credit, which is one of the traditional banking products mentioned in Schein (at col. 4, ll. 45-56). In fact, Appellants' own Specification discloses that a checking account accessible with a debit card may be backed by a credit line for overdraft protection. Present Application at 2, ll. 12-15. If this line of reasoning were permissible, the Examiner would not have needed any other reference and could have used Appellants' own admission to reject claims 1 and 24.

However, this kind of oversimplification or distilling of the claimed invention is impermissible. Distilling an invention down to the "gist" or "thrust" of an invention disregards the requirement of analyzing the subject matter "as a whole." W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). Each time the Examiner trims off an element from the claimed invention, he is making an isolated determination as to whether a particular difference from the prior art is obvious, and therefore has disregarded the requirement of treating the invention as a whole. For example, when the Examiner removes the "linked account instrument" from claim 1, he is also ignoring such limitations as the authorization of individual transactions or the triggering of sweeps, both of which are related to the use of a linked account instrument. When the Examiner removes the "credit account" from claim 1 and replaces it with a "line of credit," he is consciously disregarding the distinction between a credit account and a line of credit. Appellants have already laid out the key differences between a credit account and a line of credit. The Board is referred to the Appeal Brief at 16-17.

C. The Examiner Has Failed to Provide A Relevant Motivation to Combine or Modify.

A further deficiency in the obviousness rejection lies in the dubious nature of the "motivation" proposed by the Examiner to justify the proffered combination of Atkins and Schein.

In the Background of the Invention, Appellants discussed the disadvantages of conventional debit cards and credit cards. See, Present Application at 1-2. Based on those disadvantages, Appellants identified the following specific needs which motivated the claimed invention:

> "A need therefore exists for a versatile financial instrument that permits consumers to make purchases with the funds being drawn from a desired demand deposit account held at any financial institution.
>
> "Additionally, a need exists for consumers to have a more controlled access to an overdraft credit line.
>
> "A need also exists for an instrument that will attract reluctant consumers by offering them the ability to make purchases by drawing funds from a demand deposit account, while earning points or credits toward various rewards."

Present Application at 2. Embodiments of the present invention provide at least the following advantages:

> "One advantage of the invention is the ability of a cardholder to set up a cash account of their choice to make purchases, and have the funds withdrawn from one or more of demand deposit or other accounts, regardless of the institution holding the account. This allows consumers to benefit from card purchases even if their bank does not offer traditional debit-card services.
>
> "Another advantage of the invention is the flexibility of the collateral credit account. The consumer may use an existing credit account, open a credit account with the institution issuing the linked account card, or set up another type of account to supply the overdraft protection.

> "Yet another advantage of the invention is the ability to perform a series of automatic sweeps of the cash account in search of adequate funds. If adequate funds become available during one of the subsequent sweeps, they may be withdrawn from the cash account and the credit account may be cleared at the earliest possible opportunity. This provides advantages over a traditional debit card account, where a cardholder may have to pay off the overdraft by visiting the bank or mailing a check to the bank.
>
> "Conversely, regardless of the constituent accounts, the institution issuing the linked account card is presented with several options for handling necessary overdrafts. Based on past credit history, for example, a cardholder may be given the privilege of continuing to draw from the available line of credit without having the card privileges suspended. If a cardholder's credit history does not indicate such a feature, or if the consumer declines such a feature, the issuing institution may constrain the cardholder by suspending card privileges if a predetermined number of sweeps do not find adequate funds in the cash account."

Present Application at 4-5.

The Examiner, however, offers a dubious reason for combining Atkins and Schein. The Examiner asserts that "a motivation for this combination would have been to offer an improved integrated communications network that integrates customer information at a financial institution and makes this integration available from remote locations for the benefit of customers." Examiner's Answer at 6, and repeated at 10 and 13. This "motivation" originated from the following passage in Schein:

> "Thus, there remains a need for an improved integrated global communications network and data model that integrates customer information and makes the information accessible from remote locations." Schein, col. 7, ll. 43-46.

To put it in context, the preceding passage is quoted below:

> "There are several deficiencies in currently available systems and methods for assembling customer financial data and retrieving information for use in marketing and customer service systems. To begin with, conventional systems do not allow access to a customers' entire relationship with the financial institution or complete demographic information about the customer (i.e., the

> customer's "profile"). Basic information about existing customers is frequently not available or even recognized as being related to the customer." Schein, col. 7, ll. 34-42.

Also note that Schein is directed to a global standard messaging system.

Appellants are not arguing that, for the obviousness rejection to stand, the motivation to combine provided by the Examiner has to be identical or even similar to the inventor's own purpose in making the invention. However, the so-called "motivation" that the Examiner has casually borrowed from Schein makes the whole basis of the obviousness rejection even more questionable. If the Examiner truly believes that the cited references provide a genuine motivation to combine the references, the Examiner should have been able to come up with a better articulation of such motivation.

IV. CONCLUSION

For the foregoing reasons, Appellants respectfully submit that Atkins and Schein fail to render Appellants' claims 1-51 obvious under 35 U.S.C. § 103(a). Accordingly, Appellants respectfully request reversal of the rejection of claims 1-51.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,

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APPENDIX A.

CLAIM LANGUAGE	EXAMINER'S CITATION
1. A system for processing electronic transactions, comprising: a first <u>interface</u> to at least one cash account against which charges incurred through use of <u>a linked account instrument</u> are drawn;	**interface** "The individual may also elect to order transactions to be executed through <u>a machine interface</u> such as an automatic teller machine (ATM), an interactive television, a telephone, a personal computer in cooperation with a modem or other means." Atkins, col. 42, ll. 53-58. **automated transactions** "The digital system of the present invention can receive financial data, consolidate the financial information, analyze the information, recommend specific actions or transactions which optimize an individual's asset/liability allocation, capital budgeting, or portfolio selection, and negotiate with other parties (or other parties' personal digital assistants) <u>to effect a transaction or series of transactions</u>, and report the results to the individual." Atkins, col. 9, ll. 38-39. "The system of the present invention offers but does not require, backward compatibility with the use of existing credit cards, credit card systems, POS terminals, ATM networks, credit card and check authorization systems, among others." Atkins, col. 10, ll. 1-5. "The individual account subsystem 14 is the central operating account through which all transfer, exchange, savings, investment, and borrowing <u>transactions</u> are implemented, coordinated, controlled, analyzed and reported to the individual." Atkins, col. 13, ll. 30-34. "Such <u>transactions</u> include purchase and sale of goods and services or securities, withdrawal or deposit of cash, acquisition of annuities and insurance policies, and access to one or more types of credit facilities. The individual's earnings can be categorized and summarized according to such categories as interest, dividends, asset disposition, or wages. Every <u>transaction</u> executed on a debit or credit card, through an ATM, a telephone or facsimile based system, a voice recognition system or an automated interactive computer system can be entered in the HOME Account™ mortgage monthly statement. In this way, an accurate, on-going list of expenses and the type of expenses can be presented to the individual automatically at the end of every month, and a detailed summary can be

	presented at year end for assistance in preparing personal tax returns. Through the use of SmartCards™, credit or debit cards containing personal information and financial and credit history, an individual can, for example, establish and receive the full benefits of using the HOME Account™ system at an ATM or over the phone. Moreover, the cards used in the HOME Account™ system may be programmed to pay for charges incurred from debts secured against one or more of the asset accounts." Atkins, col. 29, ll. 3-25. "Mortgage payments may be made in cash, by check or by various means of electronic funds transfer. Because of the structure of the HOME Account™ mortgage, the individual may elect to order <u>transactions</u> to be executed through automatic means of payment, for example, the individual's payroll may be debited for the amount of interest and/or amortization payments." Atkins, col. 42, ll. 47-53. "All of these methods allow <u>transactions</u> to be executed on the individual's account and all subaccounts through a remote delivery process which does not require direct contact with personnel from the financial institution. The expert system can also institute payment from any asset account or credit facility automatically or with verification by the individual." Atkins, col. 42, ll. 60-63. **linked account system** "There have, of course, been attempts to provide <u>linked account structures</u> in the past. The Citicard account, introduced in 1976 and 1977, was the first account that allowed four or five accounts to be <u>mechanically linked together</u>. A simple transactional account, short term savings, day-to-day savings, and 90-day savings, checking and checking plus line of credit were all <u>linked</u> in the Citicard account. Over the next ten years, other banks copied this approach and began offering "<u>linked accounts</u>," which are essentially transactional banking accounts with some saving components and perhaps a line of credit--a very traditional banking product." Schein, col. 4, ll. 45-56.
a second interface to at least one <u>credit account</u> used to back said at least one cash account in the event of insufficient funds in said at	**credit facilities** "The subsystem also includes Home Account™ liabilities and <u>credit facilities</u> 18." Atkins, col. 13, ll. 44-45.

least one cash account to cover the charges incurred through the use of the linked account instrument; and	"This process monitors the flows of financial assets and liabilities as opposed to the collateral monitoring process which monitors the quantity of financial assets and liabilities." Atkins, col. 43, ll. 49-51. "All of these methods allow transactions to be executed on the individual's account and all subaccounts through a remote delivery process which does not require direct contact with personnel from the financial institution. The expert system can also institute payment from any asset account or <u>credit facility</u> automatically or with verification by the individual." Atkins, col. 42, ll. 57-63.
an <u>authorization</u> <u>server</u>, communicating with the first interface and the second interface, the authorization server authorizing individual transactions against <u>a pre-determined cumulative limit</u> on said at least one cash account, and performing <u>sweeps</u> of said at least one cash account at predetermined times to determine whether said at least one cash account contains sufficient funds to cover the charges incurred through use of the linked account instrument.	**server** "This invention is realized, in the preferred embodiment, on <u>a fault tolerant computer system</u> with an operating system capable of real-time on-line transaction processing, and will be described in such context." Col. 1, ll. 23-27. "The structure and complexity of the system of the present invention suggests that the system would be best implemented on <u>a fault tolerant computer system</u> utilizing a real time on-line transaction processing (OLTP) operating system." Col. 11, ll. 54-59. **authorization** "The system of the present invention offers but does not require, backward compatibility with the use of existing credit cards, credit card systems, POS terminals, ATM networks, <u>credit card and check authorization systems</u>, among others." Col. 10, l. 4. **predetermined limits** "The client's accounts are monitored via a borrowing power baseline, and considered imbalanced if the client's borrowing power is less than the minimum borrowing power. If the account is imbalanced, the client may reallocate the assets and liabilities within the client account and/or modify a set of constraints on the client account. If the client account is still not balanced after modification of the account, the system will deny authorization for certain requested transactions, and may initiate the liquidation of certain asset accounts and reduce the balances of one or more liability accounts."

	Abstract, ll. 20-30. "Alternatively, individuals may limit the amount of purchases or transfers that may be done for one account within or during a specified time period." Col. 34, ll. 9-11. **sweeps** "If desired, the system automatically manages a client's budgetary and financial affairs through a system of expert sweeps based on a client's preferences." Abstract, ll. 17-20. "The suggested prioritization function may recommend various forms of "sweeping" or allocating funds from or to one or more asset or liability accounts." Col. 7, ll. 42-45. "Such expert can provide her with an integrated financial plan that is frequently updated together with financial management tools such as expert account sweep features that automatically allocate funds in accordance with the plan." Col. 8, ll. 43-44.